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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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NICHOLAS VINCENTE,

Plaintiff,

v.

MAV MEDIA, et al.,

Defendants.

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

Case No. 1:15-cv-116

Judge Jill N. Parrish

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On October 6, 2015, United States Magistrate Judge Brooke Wells issued an order requiring Plaintiff to show cause as to why his case should not be dismissed for lack of jurisdiction. (Docket 8). Rather than respond to the jurisdictional question, Plaintiff argued that Judge Wells lacked authority to enter the order to show cause under 28 U.S.C. § 636(c) as Plaintiff had not consented to a magistrate's jurisdiction over this case. (Docket 9). As noted in the docket, however, this case is assigned to Judge Parrish and was referred to Judge Wells under 28 U.S.C. § 636(b)(1)(B). This case is not, and never was, a "consent" case under 28 U.S.C. § 636(c).

On November 3, 2015, Judge Wells filed a Report & Recommendation. (Docket 11). Judge Wells' recommendation was that this case be dismissed because the Plaintiff has failed to establish jurisdiction. Judge Wells' Report and Recommendation notified Plaintiff that any objection to the recommendation must be filed within fourteen days of service. The time to respond has now expired and the court has received no objections.

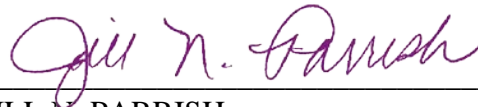
Based on the court's *de novo* review of the record, the relevant legal authorities, and Judge Wells' Report and Recommendation, the court concludes that the Report and Recommendation is a correct application of the law and the facts. This court agrees with Judge Wells' analysis that "this matter is an appeal of state court proceedings and as such should not be brought in federal court."

Accordingly, the court ORDERS as follows:

1. The Report and Recommendation (Docket 11) is ADOPTED IN FULL.
2. The case is DISMISSED.
3. The Clerk of Court is directed to close the case.

SO ORDERED this 19th day of November, 2015.

BY THE COURT:



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JILL N. PARRISH  
United States District Judge